

The Public Service Commission shall use a formal Request for Proposal process to hire, through contract or otherwise, external qualified, independent third-party consultants and experts.

### **Requests for Proposals**

External qualified, independent third-party consultants and experts shall be procured via Requests for Proposals (RFP). Any proposed RFP shall be addressed by the Commission at a publicly noticed meeting where the Commission will determine whether an RFP must be released and shall state the reason(s) for the RFP. Thereafter, the Commission Staff shall prepare and publish the RFP in accordance with the Commission Directive.

### **Process for Opening Sealed Requests for Proposals**

All Requests for Proposals submissions or filings to the Commission must be filed in a sealed envelope. Such submissions by prospective external qualified, independent third-party consultants and experts will remain sealed until a publicly noticed meeting. At this meeting, at the direction of the Chairman, the sealed submissions will be opened and the name(s) of the filer and other relevant information as requested by the Commissioners will be revealed. The relevant information regarding the filer and other general information about the filing will become a part of the record for the meeting. During this meeting, the Commissioners shall approve a schedule to review the submission, including, but not limited to, instructing the Commission Staff to file the filer's response to the RFP in the appropriate docket on the Docket Management System; scheduling public interviews which are livestreamed or publicly video broadcasted; scheduling deadlines for the parties in the affected dockets to submit questions for the prospective external qualified, independent third-party consultants and experts; scheduling deadlines for the parties in the relevant dockets to file feedback, comments, etc. regarding post-interview issues; scheduling deadlines for the prospective external qualified, independent third-party consultants and experts to submit a written conflicts check letter, scheduling deadlines for the Commission to provide the prospective external qualified, independent third-party consultants and experts with proposed questions from the Commissioners.

### **Process for Publication of Requests for Proposals**

The process for RFPs shall include issuance of a written Request for Proposal indicating, at a minimum, in general terms that which is sought to be procured and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities, specifications, or qualifications that will be required.

Proposals may be solicited using the following tools: social media, the Commission's website, local media, NARUC, and national job websites.

During the public interview, the external qualified, independent third-party consultants and experts shall be encouraged to elaborate on their qualifications and performance data or employee/staff expertise pertinent to the proposed project, as well as alternative concepts. Proprietary information from competing prospective external qualified, independent third-party consultants and experts shall not be disclosed to the public or to competitors.

The Commissioners shall decide to hire external qualified, independent third-party consultants and experts at a publicly noticed meeting.

If the terms and conditions for multiple awards are included in the RFP, the Commission may award contracts to more than one qualified, independent third-party consultant.

### **High-Risk Contracts**

For the purposes of this section, "high-risk contract" means any public contract with the Commission for the procurement of services that is anticipated to cost in excess of \$750,000 over the term of the contract and meets at least one of the following criteria: (a) the professional services that is the subject of the contract is being procured by two or more state government agencies; or (b) the state governmental agency procuring the services has not procured similar services within the last three years.

Such solicitations for high-risk contracts shall contain distinct and measurable performance metrics and clear enforcement provisions, including penalties or incentives, to be used in the event that contract performance metrics or other provisions are not met.

### **Compliance with State Law; Foreign and Domestic Businesses Authorized to Transact Business in South Carolina**

The Commission shall include in every written contract a provision that the hired consultant or expert organized as a stock or nonstock corporation, limited liability company, business trust, or limited partnership or registered as a registered limited liability partnership shall be authorized to transact business in South Carolina as a domestic or foreign business entity if required by law.

The Commission may void any contract with a business entity if the business entity fails to remain in compliance with the provisions of this section.

### **Bonds on Professional Services**

The Public Service Commission may require performance bonds for contracts for external qualified, independent third-party consultants and experts if provided in the RFP.

### **Alternative Dispute Resolution**

The Commission may enter into agreements to submit disputes arising from contracts entered for services by external qualified, independent third-party consultants and experts to arbitration or to mediation and other alternative dispute resolution procedures.